

County of Loudoun
Department of Planning
MEMORANDUM

DATE: June 8, 2010

TO: Loudoun County Planning Commission

FROM: Jane McCarter, Project Manager

SUBJECT: June 9, 2010 Planning Commission Work Session
Lovettsville Community Park; CMPT 2008-0006 & SPEX 2007-0040

UPDATE:

Additional information received by Staff is attached for your consideration:

1. Town of Lovettsville letter of April 23, 2010 and received June 7, 2010.

The Town of Lovettsville supports the application with the attached revised conditions of approval to address traffic control (Condition #7) and fair share contribution to transportation improvements (Condition #12).

2. Revised Conditions of Approval dated June 8, 2010.

The revised Conditions of Approval dated June 8, 2010 include removal of the traffic controls proposed for the intersection of Loudoun Street and East Broad Way. With the provision of the Southern Access (Condition #11) as a second access point to the site, the need for traffic to pass through the Loudoun Street and East Broad Way intersection to the Milltown Road access point is diminished. In subsequent discussion with the Town of Lovettsville a preference for the removal of an all way stop intersection at Loudoun Street and East Broad Way was noted. As the traffic impacts to this intersection from the Park are anticipated to reduce with the Southern Access Staff can support this request.

Additional minor language changes are shown on the revised conditions of approval in green.

3. Trail Crossing Exhibit illustrating the planned trail system, stream channels and wetlands of the site.

The supporting documentation, which clarifies the crossings proposed for trails throughout the site, are planned for minimal impact to wetlands and stream channel areas. The horse crossing areas are proposed to remain naturalized.

STAFF RECOMMENDATION:

Staff recommends approval of the Commission Permit, CMPT 2008-0006, and Special Exception, SPEX 2007-0040 to develop a community park with active recreational uses Based on the Findings for approval subject to the Conditions of Approval dated June 8, 2010 and contained within the September 18, 2008 staff report.

SUGGESTED MOTIONS:

- 1a. I move that the Planning Commission approve CMPT 2008-0006, Lovettsville Community Park, and forward it to the Board of Supervisors for ratification based on the Findings contained within the September 18, 2008 staff report and with the Special Exception Plat dated September 10, 2007 as revised through April 2, 2010 prepared by Bowman Consulting Group, Ltd.

AND,

- 1b. I move that the Planning Commission forward SPEX 2007-0040, Lovettsville Community Park, to the Board of Supervisors with a recommendation of Approval, subject to the Conditions of Approval dated June 8, 2010 and Findings contained within the September 18, 2008 staff report.

OR,

- 2a. I move that the Planning Commission approve CMPT 2008-0006, Lovettsville Community Park, and forward it to the Board of Supervisors for ratification based on the Findings contained within the September 18, 2008 staff report and with the Special Exception Plat dated September 10, 2007 as revised through April 2, 2010 prepared by Bowman Consulting Group, Ltd.

AND,

- 2b. I move that the Planning Commission forward SPEX 2007-0040, Lovettsville Community Park to committee for further discussion.

OR,

3. I move that the Planning Commission deny CMPT 2008-0006 and SPEX 2007-0040, Lovettsville Community Park, and forward it to the Board of Supervisors based on the following Findings:

ATTACHMENTS:

1. Town of Lovettsville letter of April 23, 2010 and received June 7, 2010.
2. Revised Conditions of Approval dated June 8, 2010.
3. Trail Crossing Exhibit.

Town of Lovettsville

April 23, 2010

Jane McCarter, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street 3rd Floor
PO Box 7000
Leesburg, Virginia 20175

RE: SPEX 2007-0040 Lovettsville Community Park (3rd Submission)

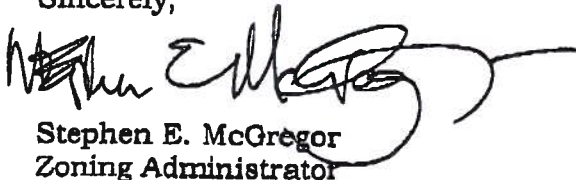
Dear Ms. McCarter:

The Town has reviewed the PRCS third submission of the Lovettsville Community Park special exception for development of the park. The previously outstanding issues for us have been satisfactorily addressed in the draft conditions for approval and the plans. However, the traffic study raises an issue for us regarding the possible need for future traffic controls at the intersection of Berlin Pike and South Loudoun Street. The traffic study indicates a traffic signal may be needed. The Town Comprehensive Plan shows a roundabout type of traffic control at this intersection.

The Town would like to request that the SPEX 2007-0040 Lovettsville Community Park conditions for approval and plans include notes to the effect that *traffic controls* may be warranted at the Berlin Pike/South Loudoun Street intersection in the future; and if they are, the applicant will provide their fair share of the cost of those improvements.

The Town appreciates the efforts made by PRCS and LCPS in behalf of addressing the Town's concerns regarding this application.

Sincerely,



Stephen E. McGregor
Zoning Administrator

P.O. Box 209
6 East Pennsylvania Avenue
Lovettsville, Virginia 20180
(540) 822-5788 (Town office)
(703) 378-1404 (home office)
smcgregor@lovettsvilleva.gov



ATTACHMENT 1

LOVETTSVILLE COMMUNITY PARK CONDITIONS OF APPROVAL

SPEX 2007-0040

JUNE 8, 2010

1. Special Exception Plat. The proposed Lovettsville Community Park with active recreational uses shall be developed in substantial conformance with the Special Exception Plat (SPEX 2007-0040) prepared by Bowman Consulting Group, Ltd., dated September 10, 2007 as revised through April 2, 2010, as well as the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement. As used in these conditions, "Applicant" includes the owner of the property subject to the special exception approval, its successors, and parties developing, establishing or operating any of the approved special exception uses.
2. Uses Permitted. Approval of this Special Exception (SPEX 2007-0040) application grants approval for a Lovettsville Community Park with active recreational uses, as defined by the Revised 1993 Loudoun County Zoning Ordinance, in the AR-1 (Agricultural Rural-1) zoning district, on the subject property as depicted on the Plat.
3. Landscaping. The Applicant shall preserve a minimum of eighty percent (80%) of tree canopy per 2009 Loudoun County GIS records within the required buffer along the southern property boundaries and incorporate Forest Management Techniques recommended by the County Urban Forester. The Applicant shall use all evergreens, such as, but not limited to, White Pine, Norway Spruce, and Eastern Red Cedar, in the replacement of any removed vegetated material. Forest Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The Applicant shall provide super silt fencing around the critical root zone of Specimen Tree T-12 (Black Walnut) as shown on the Special Exception Plat Sheet 3 of 5 prior to the issuance of the first grading permits.
4. Lovettsville School Boundary Landscaping: An enhanced Type 2 buffer shall be provided along the shared parcel boundary between the Park and the Lovettsville Elementary School. In addition to the minimum quantities of the Type 2 plantings of understory trees, shrubs, and evergreens the Applicant shall provide additional evergreen tree plantings, a minimum of 6 feet in height, planted in a double staggered row with a minimum of 10 trees per every 100 linear feet. The location of the supplemental evergreens shall not disturb the critical root zone of existing vegetation of the site.
5. Lighting. Lighting on the subject property shall be designed and constructed as follows to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment:

ATTACHMENT 2

- a. Exterior light fixtures shall be fully shielded as defined by the Illuminating Engineering Society of North America (IESNA). Light will be directed downward and inward toward the interior of the Property, away from public and private streets and adjacent properties.
 - b. Athletic field lighting shall only be used to light activities occurring on the field. Athletic field lighting shall be extinguished within 15 minutes of the end of an organized sporting event. All other lighting may remain turned on following the completion of the event but must be extinguished no later than 11:00 p.m., except that security lighting may remain turned on during overnight hours.
 - c. Illumination levels for the athletic fields shall be no greater than necessary for a light's intended purpose per The Illuminated Engineering Society of North America (IESNA) recommended maintained luminance level of 30 foot candles for rectangular fields and the outfield of the baseball/softball fields.
 - d. Energy efficient lighting such as, LED (light emitting diodes) shall be utilized for all exterior lighting except for athletic field lighting.
 - e. A photometric study shall be submitted prior to Site Plan approval for the athletic fields.
6. Noise. The Applicant shall commit to hours of operation for the proposed Park from dawn to dusk seven days a week. Sponsors of organized events shall not begin events earlier than 9:00 a.m. and conclude no later than 10:00 11:00 P.M.
7. Pedestrian Connectivity. The Applicant shall commit to constructing an ADA-compliant trail (ADA Trail) connecting Lovettsville Community Center to Lovettsville Elementary School in the location shown on the Special Exception Plat Sheet 4 of 5, including a crosswalk at the East Broad Way/Lovettsville Road/Milltown Road intersection. The Applicant shall install an all-way stop at the East Broad Way/Lovettsville Road/Milltown Road intersection per VDOT standards. The Applicant shall provide warning signage for the pedestrian crosswalk on both Lovettsville Road and East Broad Way, as approved by VDOT. The Applicant shall commit to constructing an internal multi-use trail system, connecting to the existing pedestrian facilities on East Broad Way and Frye Court, as shown on the Special Exception Plat Sheet 4 of 5. All improvements shall be in place concurrent with the first site plan approval for any of the Park uses.
8. Turn Lanes. Concurrent with the first Site Plan approval for any of the athletic fields, if not previously constructed by others, the Applicant shall construct a southbound right turn lane on Milltown Road at the site entrance; and a northbound right turn lane at the Milltown Road intersection onto Lovettsville Road in accordance with VDOT standards.

9. Frontage Improvements. Concurrent with the first Site Plan approval for any of the athletic fields, if not previously constructed by others, Milltown Road shall be maintained and/or improved as a typical rural section along the frontage of the site per VDOT standards.

10. Intersection Improvements. Concurrent with the first Site Plan approval for any of the athletic fields, the Applicant shall install an all-way stop at the Loudoun Street/East Broad Way intersection and the East Broad Way/Lovettsville Road/Milltown Road intersection per VDOT standards.

11. Southern Private Driveway Access. Refurbishment and continued use of the one onsite existing ballfield, and construction of one new athletic field, shall be permitted prior to the implementation of this condition. Prior to the opening of the 2nd new athletic field, the Applicant shall construct a private driveway providing public access through an easement from Loudoun Street to the athletic field Parking lot, across the southern portion of the Lovettsville Elementary School property, as shown on the Special Exception Plat Sheet 4 of 5. The Applicant shall coordinate with Loudoun County Public Schools Staff to ensure access, landscaping, Parking, and amenities design concerns have been addressed and to secure appropriate approvals and permitting.

- a. The southern private driveway shall meet applicable VDOT entrance standards and Loudoun County private road standards.
- b. The southern private driveway shall include a northbound right turn lane on Loudoun Street at the southern private driveway intersection with Loudoun Street built in accordance with VDOT standards.
- c. Relocation of any required Parking or site amenities, to include play equipment, shall be provided onsite at Lovettsville Elementary School. If possible additional Parking for school use shall be provided on the southern side of the proposed southern driveway on the school site during the site plan design.
- d. The southern private driveway shall be open when school is not in session from 4:00 PM to Park closing on weekdays and all day on weekends and shall be locked and gated at all other times.
- e. The southern private driveway shall incorporate traffic calming measures such as speed bumps to slow traffic across the Lovettsville Elementary School site.
- f. The southern private driveway shall be lighted.

12. Fair Share Contribution. Prior to opening of the Southern Access Road the Applicant shall make a one-time fair share cash contribution to a County Transportation Fund of \$42,000 for future transportation improvements at the intersection of Loudoun Street (Route 796) and South Berlin Turnpike (Route 287).

13. Travelways. The Applicant shall utilize a pervious surface for all non-ADA vehicular travelways and parking areas.
14. Parking. Prior to first Site Plan approval for any of the athletic fields, the Applicant shall enter a Memorandum of Understanding (MOU) with Lovettsville Elementary School to provide overflow parking for Park events on school grounds which would be in addition to all required parking per the Revised 1993 Zoning Ordinance. The MOU shall state that parking shall only be allowed outside of school hours in order to avoid conflicts with school children and buses. Reciprocity within this MOU shall provide for overflow parking on the Park site for periodic high attendance school events such as back to school night. Access from Lovettsville Elementary School to the parking area located within the Lovettsville Community Park shall be gated with locks to ensure the Applicant can secure the Park after hours.
15. Utilities. Water and sewer will be provided by the Town of Lovettsville. If the Town of Lovettsville cannot provide water and sewer, the Applicant shall coordinate with the Loudoun County Environmental Health Department for the installation of a suitable on-site system.
16. Water Impacts: When the Town of Lovettsville restricts water usage due to drought or low flow impacts the Applicant shall restrict irrigation of the Park.
17. Construction Traffic. Construction traffic shall be restricted from both Loudoun and Locust Streets during all phases of construction. Construction traffic hours shall be limited to one hour prior to the start of the day for Lovettsville Elementary School and one hour following the end of the school day. All construction traffic for Park development, except that specifically for the southern private access road, shall access the Park through the Milltown Road access.
18. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings.
19. Equestrian Access: Equestrian trailer access shall be limited to the Milltown Road access, and shall not use the Southern Private Access Road.
20. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all proposed restrooms.
21. Historic and Archaeological Resources. A Phase 1 archaeological survey shall be completed prior to the issuance of the first grading permits. No grading shall occur until the Phase 1 Survey has been completed. Development of the site should incorporate any archaeological findings into the final Site Plan layout.

TYPE 2 BUFFER
(SEE NOTE 2)

5' TEMP
CONST ESMT

25' STORM &
UTILITY ESMT

PASSIVE RECREATION AND
DOG OFF-LEASH AREA

TOWN OF LOFETSVILLE (ZONED R-1)
LOUDOUN COUNTY (ZONED AR1)

COMMUNITY
GARDENS AREA

ADA TRAIL

EX. GRAVEL ROAD

S68°51'20"W
487.56

NATURE
STUDY AREA

AREA FOR FARMSTEAD
INTERPRETIVE USE
(STRUCTURES TO REMAIN)

PROPOSED
PARKING

PROPOSED
PARKING

ACTIVE REC
USES (P
EQUESTRIAN)

APPROX. LOCATION OF
PROPOSED WATER FEATURE
AND STORMWATER MANAGEMENT
TO BE COORDINATED WITH
ARMY CORP. OF ENGINEERS AND DEQ




PROPOSED LARGE
BASEBALL FIELD
(LIGHTED)

PROPOSED SMALL
SOCCER FIELD
(LIGHTED)

PROPOSED LARGE
SOCCER FIELD
(LIGHTED)

PROPOSED LARGE
SOCCER FIELD
(LIGHTED)

PROPOSED
PARKING

-  Natural Trail Crossing
-  Palustrine Wetland
-  Stream Channel

ATTACHMENT 3



July 28, 2008

Mr. Brian G. Fuller
Loudoun County Department of Parks, Recreation & Community Services
Division of Facilities Planning & Development
215 Depot Court, S.E., 3rd Floor
Leesburg, Virginia 20175

**RE: Lovettsville Park, Town of Lovettsville and Loudoun County, Virginia
USACE Jurisdictional Determination Letter**

Dear Brian:

As a follow-up to our June 2, 2008 site meeting with Mr. Ron Stouffer of the U.S. Army Corps of Engineers (USACE), please find attached for your records a copy of the Field Approved Jurisdictional Determination Letter for the above Project (USACE Project No. 2008-1719). This Letter confirms the results of the wetland delineation and the flagged waters of the U.S. and wetland boundaries at Lovettsville Park, per the Wetland Delineation Report and Map prepared by Bowman Consulting Group, Ltd. (BCG) dated May 12, 2008. Based on the wetland delineation and field survey, there are approximately 1,890 linear feet of stream, 0.52 acre of palustrine emergent wetlands, 0.01 acre of palustrine scrub-shrub wetlands, and 0.01 acre of palustrine forested wetlands located within the Project limits. Please note that this Jurisdictional Determination is valid for a period of five (5) years, or until July 10, 2013.

During the Jurisdictional Determination process, the USACE reviewed the Virginia Department of Conservation and Recreation's (DCR) database for the presence of federally listed threatened or endangered (T&E) species. Based on the results of this search and as detailed in the Supplemental Information section, no known populations of federally listed T&E species were noted within the general vicinity of the Project. Therefore, the USACE did not recommend any species-specific field surveys for the property.

The USACE also reviewed the Virginia Department of Historic Resources' (DHR) Data Sharing System for the presence of known architectural or archaeological resources on or in the vicinity of the Project. As anticipated, several historic resources are documented adjacent to the Project. As we discussed during our June 2, 2008 site visit, Ron recommended proceeding with a Phase I archaeological study given the history of the site, the surrounding documented historic resources, and the fact that permits will ultimately need to be obtained from the USACE for authorization to impact jurisdictional streams and wetlands during the development of the Park. Please note that the resulting Phase I Archaeological Report will need to be submitted in conjunction with a Joint Permit Application or Pre-Construction Notification to the USACE for further coordination with DHR during the wetland/stream permitting process for the Park.

During our discussions with Ron in the field related to the development of the Park property, we reviewed a proposed ADA-compliant trail that would consist of piping a small portion of intermittent stream and palustrine emergent wetlands in the vicinity of Flags C141 through C148

Bowman Consulting Group, Ltd.

14020 Thunderbolt Place • Suite 300 • Chantilly, VA 20151

Phone: 703.464.1000 • Fax: 703.481.9720 • www.bowmanconsulting.com

on the Wetland Delineation Map. Given the type and extent of the impact, Ron agreed that this ADA-compliant trail could be permitted under the USACE's Nationwide Permit 42 for Recreational Facilities. A Pre-Construction Notification would need to be submitted to the USACE for authorization to impact jurisdictional wetlands and/or streams prior to construction of the trail.

We also discussed the feasibility of constructing a pond/water feature further downstream on the Property in the general location of Flags C13 through C82. There is evidence in the field that a pond was historically present in this location, especially in the larger emergent wetland area flagged C26 through C58. Ron recommended searching historic records for evidence of this former pond, possibly during the background research for the Phase I archaeology study. If a pond was historically present along this stream reach, reconstructing a pond in the same general location may be eligible for coverage under one of the USACE's Nationwide Permits, and we may not need to obtain a separate permit from the Virginia Department of Environmental Quality (DEQ). However, qualifying for this Corps-only permit may be predicated by the type of stream that we would be impounding. Ron recommended relooking at the stream channel during the drier summer months using one of the routine Perennial Flow Determination protocols – the *North Carolina Division of Water Quality (NCDWQ) Identification Methods for the Origins of Intermittent and Perennial Streams* (Version 3.1, effective February 28, 2005), or the *Fairfax County DPWES Perennial Stream Field Identification Protocol* (May 2003) – to determine whether it should be classified as a perennial or intermittent stream. The resulting stream classification may determine whether we can apply for a USACE-only Nationwide Permit, or if we will be subject to the Individual Permit process with both the USACE and DEQ, which is a much lengthier process that requires public notices and stricter mitigation guidelines. With that in mind, if we are eligible for one of the Nationwide Permits, Ron indicated that the USACE would be willing to consider out-of-kind mitigation to compensate for impacts to streams and/or wetlands, and we may be able to consider designing a wetland feature into the pond design to compensate for some of those impacts.

If you have any questions concerning the attached Jurisdictional Determination Letter and USACE recommendations, would like us to proceed with evaluating the classification of the stream channel in the vicinity of the proposed water feature/pond, or would like to schedule a meeting to discuss the Project and the permitting process, please feel free to contact me at 703.464.1000 or jfleming@bowmancg.com.

Sincerely,
BOWMAN CONSULTING GROUP LTD.



Jessica L. Fleming
Senior Project Manager

Enclosure: USACE Field Approved Jurisdictional Determination (Project No. 2008-1719)

cc: Scott Perkins, Bowman Consulting Group, Ltd.



Norfolk District



U.S. ARMY CORPS OF ENGINEERS FIELD APPROVED JURISDICTIONAL DETERMINATION

Date: July 10, 2008

Project Number: 2008-1719

Applicant: Loudoun County Department of Parks,
Recreation and Community Services

Agent: Bowman Consulting Group Ltd.

Project Name: Lovettsville Park

Project Location: Town of Lovettsville and
Loudoun County

This serves as a field approved jurisdictional determination that waters of the United States (including wetlands) are present on this property. Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The wetland is a waters of the United States and is part of a tributary system to interstate waters (33 CFR 328.3(a)). These waters meet the Corps' definition of waters of the United States and are part of a tributary system to interstate waters (33 CFR 328.3(a)) and have an ordinary high water mark (or high tide line).

☒ We agree with the wetland delineation described in the letter, report and plans dated May 12, 2008.

☐ We agree with the wetland delineation as flagged with the following modifications (a revised map is required):

☐ The wetland delineation was flagged by a representative of the U.S. Army Corps of Engineers, as identified below:

☐ There are jurisdictional waters or wetlands on your property, which are contiguous with _____ . We recommend that you have a wetland delineation performed.

☐ All waters/wetlands on the property are isolated and will not require a Department of the Army permit. However, a permit may be required from the Virginia Department of Environmental Quality.

Any discharge of dredged and/or fill material associated with mechanical land clearing, stumping or grading (such as with an excavator, bulldozer, or root rake), or any filling in jurisdictional areas will require a Department of the Army permit prior to such work occurring. An administrative appeals form is enclosed. This jurisdictional determination is valid for a period of five years from the date of this letter, unless new information warrants revision of the delineation before the expiration date. If you have any questions, please contact the project manager listed below.

A condition of this jurisdictional determination is that you maintain the locations of the wetland delineation flags as they are now situated on the site. Once a plan of development is formulated it would be in your best interest to have the actual wetland boundary located by survey and superimposed on any future proposed plan to determine whether jurisdictional wetland would be impacted by the proposed development, and to determine whether a Department of the Army permit would be required.

Ronald H. Stouffer, Jr.
Project Manager
Northern Virginia Regulatory Section

703-221-6967
Telephone number

Loudoun County Department of Parks, Recreation and Community Services
2008-1719
Supplemental Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

☐ No known historic properties are located on the property.

☒ Known architectural resources are located on/near the property. (see attached map)

☐ Known archaeological resources are located on/near the property. (see attached map)

2. A search of the Virginia Department of Conservation and Recreation's data revealed the following:

☒ No known populations of federally listed threatened or endangered species are located within one minute latitude/longitude of the property.

☐ The following species are known to be within one minute latitude/longitude of the property.

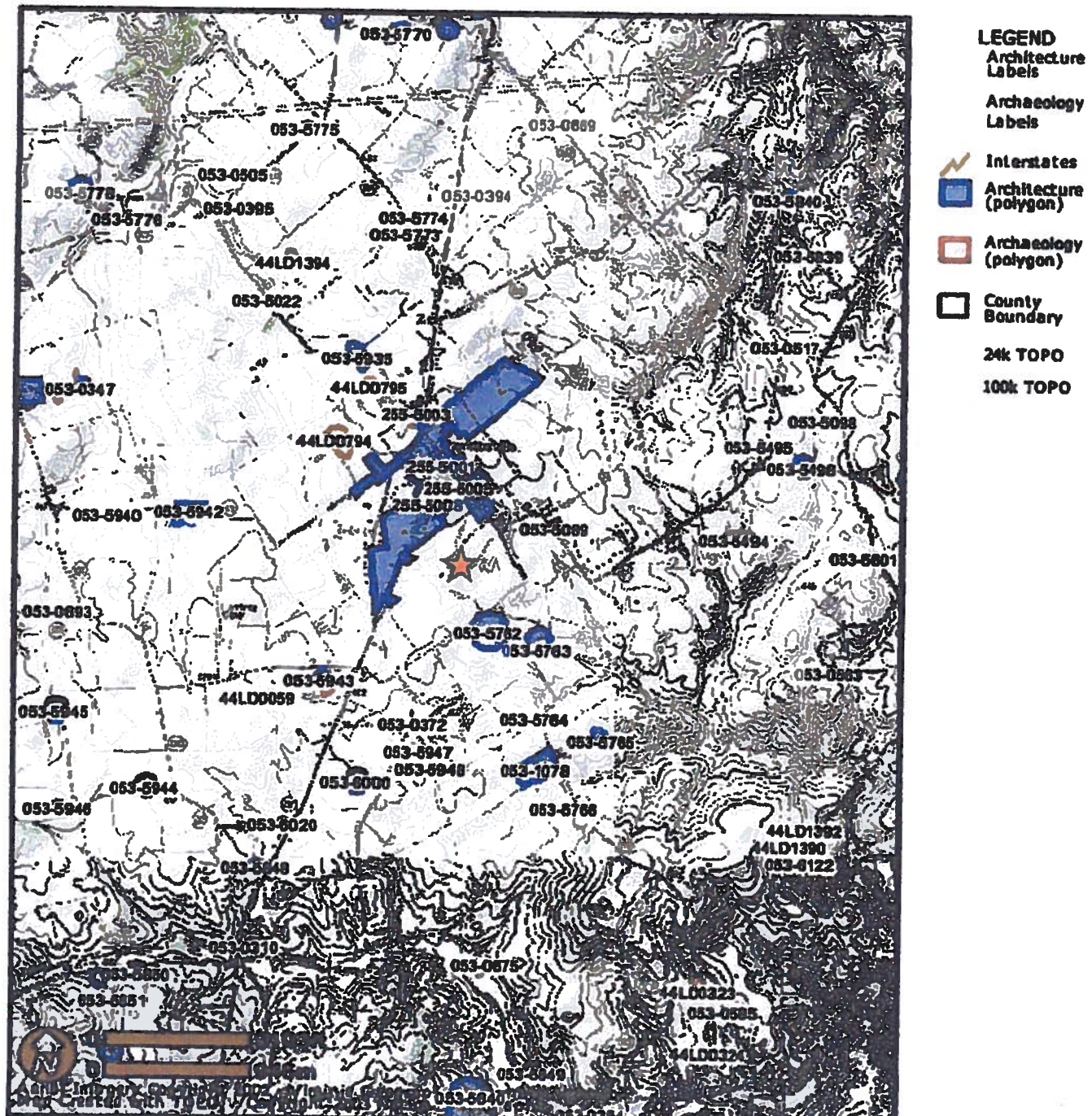
☐ The property is within a known concentration area for the following species:

3. We suggest the following avoidance, minimization, and compensatory mitigation measures be incorporated into any plans you prepare for the property:

Avoid and minimize impacts to waters of the United States, including wetlands, to the maximum extent practicable.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the Virginia Department of Conservation & Recreation's database. You may want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.virginia.gov

Virginia Department of Historic Resources Data Sharing System, 07/10/2008



Virginia Department of Historic Resources - February 8 2008

Lovettsville Park